

1 ~~Rule 3-305.~~ Rule 5-202. **Official court transcribers.**

2 Intent:

3 ~~To establish the means of transcribing the official record of court proceedings,~~
4 ~~recorded by audio or video electronic recording systems.~~

5 To establish the criteria and procedure for certification of official court transcribers.

6 ~~To describe the procedure for preparation of and payment for official court~~
7 ~~transcripts.~~

8 ~~To prescribe the procedure for assignment of official court transcribers.~~

9 Applicability:

10 This rule shall apply to ~~the record of court proceedings recorded by audio or video~~
11 ~~electronic recording systems in any court of record~~ official court transcribers.

12 Statement of the Rule:

13 (1) Definitions. An "official court transcriber" is a person authorized under this rule to
14 transcribe into typewritten form the audio and video ~~tape~~ recordings of court
15 proceedings for purposes of appeal or other official court purposes.

16 (2) ~~Requirements for q~~Qualifications as official court transcriber. In order to serve as
17 an official court transcriber, an individual must meet the criteria and fulfill the
18 responsibilities ~~as~~ stated below, and must be approved by the ~~administrative office of~~
19 ~~the courts~~ appellate court administrator.

20 (2)(A) An official court transcriber shall be licensed in ~~the state of~~ Utah as a certified
21 ~~shorthand court~~ reporter or work under the direction of one who is.

22 (2)(B) An official court transcriber shall ~~have~~:

23 (2)(B)(i) have experience or training satisfactory to the ~~administrative office of the~~
24 ~~courts appellate court administrator~~ in transcription of audio and video ~~tapes~~ records;

25 (2)(B)(ii) have equipment and support staff sufficient to provide the transcript ~~of the~~
26 ~~audio and video tapes~~ in an accurate and timely manner; ~~and~~

27 (2)(B)(iii) have no conflict of interest in the matters transcribed;

28 (2)(B)(iv) comply with statutes and rules regulating transcripts; and

29 (2)(B)(v) attend training required by the appellate court administrator.

30 (2)(C) Persons desiring to be certified as official court transcribers shall ~~submit a~~
31 ~~written proposal~~ apply to the ~~administrative office of the courts appellate court~~

32 ~~administrator setting forth their qualifications and ability to comply with the criteria set~~
33 ~~forth.~~

34 (3) Preparation of transcript.

35 ~~(3)(A) An official court transcriber shall prepare and file a transcript when assigned~~
36 ~~to do so by the court executive in conformance with the time standards established by~~
37 ~~the rules of the appellate courts unless an extension of time is granted in accordance~~
38 ~~with the rules.~~

39 ~~(3)(B)~~ If an official court transcriber encounters a portion of the audio or video ~~tape~~
40 recording which is inaudible or incomplete, and which, in the opinion of the transcriber,
41 is likely to significantly affect the accuracy and clarity of the transcript, the official court
42 transcriber shall report that fact to the ~~court executive~~ appellate court administrator and
43 set forth the court, the date and time of the proceeding, and the perceived problem with
44 the recording.

45 ~~(3)(C) On each transcript, the official court transcriber shall take and subscribe to an~~
46 ~~oath affirming that the audio or video tape recording has been transcribed accurately to~~
47 ~~the best of the transcriber's ability.~~

48 (4) List of official court transcribers. The ~~administrative office of the courts~~ appellate
49 court administrator shall ~~compile and distribute to the court executive~~ publish a list of
50 official court transcribers. ~~When an additional transcriber is certified, an updated list~~
51 ~~shall be distributed.~~

52 ~~(5) Assignment of transcript preparation. The court executive shall assign the~~
53 ~~preparation of a court transcript to an official court transcriber when no official court~~
54 ~~reporter is available to prepare it.~~

55 ~~(6)~~ (5) Complaints and sanctions. The ~~administrative office of the courts~~ appellate
56 court administrator may investigate any complaints made concerning the performance
57 of an official court transcriber, and may, for good cause, rescind the certification of any
58 official court transcriber. Failure to prepare and file an assigned transcript ~~within~~ in
59 accordance with the time and notification standards established by the rules of the
60 appellate courts constitutes good cause for rescission of an official court transcriber's
61 certification.

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